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REMARKS

This Amendment is submitted in response to the Office Action mailed on October 17, 2007. All pending claims have been cancelled. Claims 32 - 43 are added. No fee is due.

DISTINCTIONS BETWEEN NEW CLAIMS AND APPLIED PRIOR ART

Point 1

The Office Action cites Grunbok, column 3, line 66 - column 4, line 35, as showing that

- 1) a portable device (eg, a PDA) obtains "authorization" from a credit card account, and
- 2) the portable device transmits the authorization to an SST where a customer is executing a transaction, via a "port."

The SST would then levy a charge against the credit card, based on the authorization.

However, Grunbok does not actually show that.

In the cited passage of Grunbok, the PDA contacts one or more banks 30, 32, 34 etc. in his Figure 1. (Grunbok calls those entities 30, 32, 34 etc. "Financial Institution Computer Systems," that is, computers of banks. For simplicity, they will be called "banks" herein.)

After contacting the banks, the PDA in Grunbok transfers money

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- 1) **from** one or more accounts in the banks,
which are controlled by the PDA
- 2) **to** one or more accounts in the banks,
which belong to the "store."

That does not show what the PTO asserts (ie, items (1) and (2) above).

In Grunbok, there is

- no delivery of "authorization" **TO** a
portable device,
- no delivery of that authorization to an
SST **FROM** the portable device.

Therefore, item (2), above, namely,

- 2) the portable device transmits the
authorization to the SST where a customer is
executing a transaction, via a "port."

is not found in the cited passage in Grunbok.

Therefore, the claimed operation of relaying an authorization to an ATM, through a portable device, is not found in Grunbok.

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Point 2

Rejection is Obviousness - Type

Grunbok Shows Multiple Embodiments

Most are Contrary to Claim 1

A Teaching is Required for Ignoring Those Embodiments

In the context surrounding the passage cited by the PTO, Grunbok, states that **either** the PDA, or the computer system 20 in his Figure 1, can handle the funds transfer. (Column 4, line 66 - column 5, line 4.)

If you combine Grunbok's computer system 20 with the other reference, then the PDA is not involved. Since all claims recite a portable device, and since the PDA of Grunbok is used to show the portable device, the claimed invention can not found in this combination.

Thus, under this combination of Grunbok with the other reference, the claimed invention would not be obtained: no portable device is involved at all.

A teaching is required for selecting the particular type of device in Grunbok: PDA, computer system 20, or other.

Point 3

Grunbok discusses several other modes of operation, which also do not involve the PDA as recited in the claims. These are outlined in his Summary of the Invention, wherein he discusses five

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"general aspects."

In the "first general aspect" (column 1, lines 35 - 60), Grunbok appears to state that the PDA can access a sufficient number of credit card accounts, or other accounts, to obtain payment for the store where a purchase is being made. He discusses payment to the store, but does not state precisely how the payment is made. Thus, the payment method recited in the claims is not shown.

In the "second general aspect" (column 1, line 61 - column 2, line 7), Grunbok states that the PDA communicates with a store computer, which then communicates with a financial computer. This clearly does not show the claims. There is no relay of an authorization by a portable device.

In the "third general aspect" (column 2, lines 8 - 20), Grunbok states that the PDA causes a bank computer, where the PDA owner has an account, to transfer funds to an account of the store. This clearly does not show the claims. There is no relay by a portable device.

In the "fourth general aspect" (column 2, lines 21 - 33), Grunbok gives a very fuzzy description which is difficult to understand, but does not appear to be even close to the claims. One reason is that he refers to a "means for communicating with a financial institution of the store" and also with "a financial institution of the hand held computer user." That "means" is not

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the PDA, because Grunbok in this "aspect" refers to the PDA as the "hand held computer." The "means" cannot communicate with itself. Thus, this "aspect" also does not show the claims.

In the "fifth general aspect" (column 2, lines 34 - 46), Grunbok appears to be creating textual support for a specific type of claim, namely, a computer-program-stored-in-tangible-medium. He states here that the PDA transfers money from one institution to another. But he does not discuss a self-service terminal. Again, this "aspect" does not show the claims.

Therefore, Grunbok discusses at least four alternate modes of operation (or "aspects"), which do not show the required recitations of the claims. (And, as explained above, the mode upon which the PTO relies does not show the claims either.)

Consequently, a teaching is required for ignoring those embodiments of Grunbok, and for selecting that embodiment chosen by the PTO over those embodiments.

MPEP § 2111 states:

PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY,
INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE
CLAIMS

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.

Point 4 - Applied References are Contradictory

The Kawan reference states that a person can insert a smart

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card into a PDA. The smart card apparently contains identifying information about the person. The PDA can demand that the person supply corresponding information, such as a PIN or fingerprint, so that the PDA can thereby identify the person.

Although it is unclear, Kawan may be stating that, once this identification is made, the PDA can instruct an ATM to dispense cash, based on the smart card.

However, no contact by the PDA or smart card with any remote terminal is seen in Kawan. Thus, there is no "authorization request" made of a "remote party," as claimed.

Grunbok is cited to show this "authorization request." However, if this "request" is actually present in Grunbok, then Grunbok is contrary to Kawan. The reason is that, as just explained, Kawan's PDA/smart-card combination makes no "authorization request" as claimed. Thus, why is Grunbok's supposed "authorization request" added to Kawan? What does it do?

The references are contradictory. According to the PTO's admission, one makes the "request," and the other does not.

RESPONSE TO OBJECTION TO DRAWINGS

Replacement sheets for sheets 1/5 and 4/5 are herewith submitted.

The drawing objections rely on Rules 1.84(p)(4) and (5).

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Those Rules state:

(4) The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.

(5) Reference characters not mentioned in the description shall not appear in the drawings. Reference characters mentioned in the description must appear in the drawings.

Applicant, in his prior Amendment, mailed July 19, 2007, explained that the drawings do not violate these Rules.

Applicant requested that the PTO explicitly state how the drawings should be corrected.

In the current Office Action, the PTO has made no reply.

Therefore, Applicant could only guess at how to correct the drawings, and expresses hope that the submitted drawings are satisfactory.

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CONCLUSION

Applicant requests that the rejections to the claims be reconsidered and withdrawn.

Applicant expresses thanks to the Examiner for the careful consideration given to this case.

Respectfully submitted,

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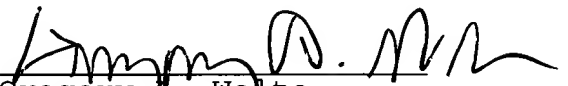
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ATTACHMENTS: Sheet 1/5 and 4/5 of drawings